

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SUM CHAN,

Plaintiff,

v.

**THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, QUEENS COUNTY
DISTRICT ATTORNEY’S OFFICE, POLICE
OFFICER RAFFAELE BARILE, POLICE
OFFICER STACY RAO & QI WENG,**

Defendants.

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Case No. 19-cv-7239-RPK-JO

**NOTICE of DISMISSAL
PRIOR to JOINING of
ISSUE or APPEARANCE**

MICHAEL R. CURRAN, an attorney admitted to practice before the United States District Court for the Eastern District of New York, certifies the following under penalties of perjury:

1. The undersigned is the attorney for plaintiff, Sum Chan (“plaintiff”).
2. Plaintiff, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby dismisses causes of action in the Complaint herein against defendants New York City Police Department (“NYPD”) and Queens County District Attorney’s Office (“QCDA”).
3. Plaintiff is dismissing against NYPD and QCDA because there is no basis for relief against these two entities, which are non-suable administrative arms of valid defendant The City of New York. These defendants were originally included because of acts under the dominion and control of each contributed to plaintiff’s harm; however, as a matter of law neither of the two defendants may be sued in this matter.
4. NYPD and QCDA have neither appeared, nor answered the Complaint nor filed a Motion for Summary Judgment. Dismissal therefore under FRCP 41(a)(1)(A)(i) is appropriate.

Dated: May 18, 2020

Respectfully submitted,

Michael R. Curran /s/

Michael R. Curran

Attorney for Plaintiff

Sum Chan